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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHANG, ANNAN Q	
ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/639,912	BENGEULT ET AL.	
	Examiner	Art Unit	
	Annan Q. Shang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/12/07 have been fully considered but they are not persuasive.

With respect to claims 1-23, rejected under 35 U.S.C. 103(a) as being unpatentable over **Polivka et al (5,463,656)** in view **Wagner et al (5,761,602),** applicant discusses the claimed invention and the prior arts of record and further argues that "...no teaching or suggestion as the presently claimed distribution system (or server) on-board network...." (see pages 12 of 19 or Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's argues, however, Polivka discloses a server (see fig.3, 270/280/311/320/etc.,) "...a data content management system for filtering portions of data not addressed to occupants on the mobile platform..." Polivka server system on-board the aircraft receives video conference data, other data, other digital information, etc., "content" and filters out portions of the content and distributes portions of the content to passenger video terminals on-board the aircraft (col.5, lines 40-col.6, line 9, lines 47-65, col.7, lines 40-67, col.9, line 41-col.10, line 34 and col.11, lines 12-23). Polivka is silent as to Internet data. However, this deficiency is disclosed in Wagner reference figures 1-3, which discloses hybrid multi-channel data transmission system utilizing a broadcast medium to broadcast Internet data via satellite to remote clients (col.3, line 28-col.4, line 27, line 42-col.5, line 25 and col.7, line 65-col.8, line 45). Hence the 103(a) rejection is proper, meets all the claims limitations and maintained.

As to applicant's arguments that the references can not be combined and no motivation to combine, Examiner, maintains that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporate into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case all reference are in the same field of endeavor, as such combining the teaching of Polivka with Wagner would be within the knowledge of one of ordinary skill in the art, and the appropriate motivation was given as discussed in the office action.

Furthermore it appears Applicant's arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. **See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).**

In view of the above, the combination of Polivka and Wagner is proper and maintained as repeated below. **This Office Action is made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Polivka et al (5,463,656)** in view **Wagner et al (5,761,602)**.

As to claim 1, **Polivka** discloses in figures 1-5, System for conducting video communications over satellite communication link with aircraft having physical compact, effectively conformal, phased array antenna and further disclose a system for providing data content to plurality of mobile platforms (Aircraft(s) 'A' 12) via at least one satellite (S-23) having at least one radio frequency transponder, and for transmitting data content from the mobile platforms via the RF transponder to a ground-based control center (TVRO System or CATV 11), comprising:

An independent mobile system (Antennas 'A' 35) associated with each of the Aircraft 180 and carried by Aircraft 12 (figs.1-5, col.1, lines 53-65, col.3, line 36-col.4, line 13, col.5, lines 40-65 and col.11, line 25-col.12, line 42);

A ground-based antenna system (16) associated with the ground-based content center (TVRO System or CATV 11) for transmitting encoded RF signals representative of the data content via designated RF transponder (Satellite S-23), with a plurality of transponders, where S-23 orbit over a desired geographical coverage area within Aircraft 12 (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28);

Each of the mobile system (A-12) comprising:

A steerable transmit antenna (Ant-35) and steerable receive Antenna control system, which receives/transmits video and data signals and tracks satellites (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28);

A communications subsystem or system and a data content management system in communication with for generating baseband video signals and data signals, representative of live television programming and Internet data decoding and demodulating the encoded RF signals received, and for producing encoded signals from the data transmissions input by each of a plurality of occupants for filtering of portions or subset of the data content not addressed to occupants (TV Monitors, Personal Computers, Phones, etc.,) on the mobile system (fig.4, col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 60 and col.11, line 25-col.12, line 42);

A network (fig.4), local area network 'LAN' and distribution system for distributing the baseband video signals and the data signals output from the data management system to occupants, the network including a plurality of access stations which includes personal computing devices for Internet data services, where the individual passengers receive only specific subportions or portions of the baseband video signals and the data signals, television program and Internet data, relating to previous information selections made by passenger (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 60 and col.11, line 25-col.12, line 42); and

The independent mobile system also operating to transmit the signals input by each of the occupants from each of the access stations, via the RF transponder, to the ground-based antenna system (col.5, line 9-col.6, line 26 and col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 60 and col.11, line 25-col.12, line 42).

Polivka teaches communicating video/data information (video, teleconference, etc., data) to one or more video monitors throughout the aircraft for viewing by passenger, but silent to Internet data.

However, note the Wagner reference figures 1-3, discloses hybrid multi-channel data transmission system utilizing a broadcast medium to broadcast Internet data via satellite to remote clients (col.3, line 28-col.4, line 27, line 42-col.5, line 25 and col.7, line 65-col.8, line 45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Wagner to the system of Polivka to broadcast specific Internet data via satellite to remote clients within a specific geographical area, including clients on-board an aircraft.

As to claim 6, the claimed "A system for providing real time video signals to a mobile receiving..." is composed of the same structural element that were discussed with respect to the rejection of claim 1.

As to claim 7, Polivka further discloses, includes a plurality of integrated receiver/decoders for decoding, demodulating and digital-to-analog converting received RF signals into baseband video signals (col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48).

As to claim 8, Polivka further discloses where the data content management system comprising Media Server and File server (col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48).

Claims 9 and 10 are met as previously discussed with respect to claim 1.

As to claim 12, Polivka further discloses where operates to transmit encoded data signals to Transponder of Satellites 23, which is associated with each Aircraft demodulates and D/A convert the RF signals to produces baseband data signals (col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48).

As to claim 13, the claimed "system for supplying a plurality of channels of data content to a plurality of mobile platforms...' is composed of the same structural element of rejected claim 1.

Claim 14 is met as previously discussed with respect to claim 7.

Claim 15 is met as previously discussed with respect to claim 8.

Claim 16 is met as previously discussed with respect to claim 1.

Claim 17 is met as previously discussed with respect to claim 1.

As to claim 18, the claimed "system for enabling individual occupants on board a moving platform to transmit and receive data content in real time from a ground based data source..." is composed of the same structural element of rejected claim 1.

Claim 19 is met as previously discussed with respect to claim 5.

Claim 20 is met as previously discussed with respect to claim 1.

As to claim 21, the claimed "system for facilitating bi-directional communication between a ground-based control center and a plurality of mobile platforms..." contains the same structural element of rejected claim 1.

As to claim 22, Polivka further discloses where the steerable receive antenna comprising an electronically steerable, phased array antenna (col.5, line 40-65, col.7, line 50-col.8, line 28, col.9, line 24-col.10, line 48 and col.11, line 36-col.12, line 31).

As to claim 23, the claimed "a method of transmitting data content between mobile receiving platform and a ground-based control segment, comprising..." is composed of the same structural element of rejected claim 1.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bishop, Jr. et al (6,078,577) disclose system and method for packet data communication.

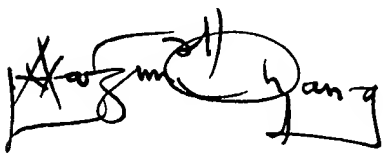
5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.



Annan Q. Shang.